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09/996,068	11/27/2001	Steven Reynolds	INTE.19USU1 (ITC 4)	1074

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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 08/06/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/996,068

Applicant(s)

REYNOLDS ET AL.

Examiner

Jason P Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 12-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-15 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-11 are drawn to a transmission system in a television environment, classified in class 725, subclass 118.

II. Claims 12-15 are drawn to a receiver in a television environment, classified in class 725, subclass 139.

2. Inventions are distinct, each from the other because:

Inventions I through II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable.

In the instant case, invention I has separate utility such as cable television programming delivery system for providing television channels to a viewer at the customer premise. See MPEP § 806.05(d).

Invention II has separate utility such as a set-top box for use in a regular coaxial TV network.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for reexamination purposes as indicated is proper.

4. During a telephone conversation with Russ Krajak on 7/21/03 a provisional election was made without traverse to prosecute the invention of group I, claims 1-11. Affirmation of this election must be made by applicant in replying to this

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Office action. Claim 12-15 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Heuer et al. (Proc. Second Int'l Symposium on Mobile Multimedia Systems & Applications, Delft, November 9-10, 2000, pp. 6-13).

Referring to claim 1, Heuer discloses creating a framework definition that identifies said various stream types in said audio content, said video content and said other metadata content associated with a broadcast and attributes of said various stream types including the format of said various stream types associated with a broadcast and attributes (see page 6, "Abstract" section for a description of the M<sup>3</sup>-Box incorporating an XSL and Figure 4 for applying the XSL file to display a broadcast and attributes). The examiner notes that an XSL file created based on the MPEG-7 standard identifies various stream types in audio, video and metadata content (see page 12 for an example portion of an XSL file). The examiner also notes that the

example XSL files describes that these stream types include the format (see again the example in page 12 for an image file being a GIF file, therefore defining the format).

Heuer also discloses that the M<sup>3</sup>-Box can convert media data (audio, video, and metadata) into a different format if the transmission format differs from the audio format (see Section 3, "The Scenario of a Multimedia Message Center, the M<sup>3</sup>-Box" second paragraph).

Heuer also discloses creating a menu describing said audio content, said video content, and said metadata content (see Section 5.3, "The M<sup>3</sup>-Box server and output devices" for generating an account online menu).

Heuer also discloses combining said audio, video and metadata content into a broadcast stream (see Section 5.2 M<sup>3</sup>-Box Core for a description of transcoding media element for transmission to an output device) for transmission to a plurality of receivers (see Figure 1 for a plurality of output devices) that are capable of checking said various stream types to determine which streams of said various stream types may be used by said receivers (the receivers perform "checking" of stream types by sending an XSL file to the M<sup>3</sup>-Box Server for description of what types of streams must be sent to the receiver, this is done on the initial handshake of the client and the server (see Section 4.3, "Requirements for the output devices")).

Heuer also discloses transmitting the menu to a plurality of receivers (see Figure 2 for rendering the message presentation (menu of Figure 4) that are capable of checking the stream type to determine which streams may be used by the receivers (the receivers perform "checking" of stream types by sending an XSL file to the M<sup>3</sup>-Box

Server for description of what types of streams must be sent to the receiver, this is done on the initial handshake of the client and the server (see Section 4.3, "Requirements for the output devices").

Heuer also discloses transmitting the broadcast stream (note that the Multimedia Box (M<sup>3</sup>-Box is capable of receiving and transmitting video, audio or data (see Figure 1), therefore the M<sup>3</sup>-Box inherently transmits a broadcast stream).

Referring to claim 3, Heuer discloses representing each element of said audio, video, and metadata content with an icon (see Figure 4 for icons representing video, audio, or metadata). Heuer also discloses a logo on the menu (see top portion of Figure 4 for the logo "Message List" and "Total Messages", which describes the menu).

Referring to claim 4, Heuer discloses determining if the metadata content is an image file (see example XSL file on page 12 for an if statement determining to display an image if a certain media type is to be displayed).

Referring to claim 5, Heuer discloses loading the image file (see Section 3, "The Scenario of multimedia message center, the M<sup>3</sup>-Box for a description of loading receiving content to the M<sup>3</sup>-Box in the second paragraph). Heuer also discloses loading a file conversion definition (see again Section 3 for a description of also loading structuring hints in the first paragraph). Heuer also discloses converting said file using said conversion definition (see again Section 3 for converting a video key frame into an intra-coded frame if temporal prediction is used in the second paragraph). Heuer also discloses outputting a converted image file (see again Section 3 for the M<sup>3</sup>-Box transmitting this file to a client device in the third paragraph).

Referring to claim 6, Heuer discloses transferring preloaded metadata associated with said broadcast stream to a receiver that is capable of checking stream type to determine which streams may be used by said receiver prior to transmission of said broadcast stream (see rejection of claim 1).

Heuer also discloses storing said preloaded metadata (see Section 3 "The Scenario of a multimedia message center, the M<sup>3</sup>-Box for storing data).

Heuer also discloses receiving the broadcast stream (see again Section 3 "The Scenario of a multimedia message center, the M<sup>3</sup>-Box for the output device receiving data from the M<sup>3</sup>-Box).

Heuer also discloses displaying said menu wherein said menu includes an icon representing said preloaded metadata (see Figure 4).

Heuer also discloses receiving a user input (see second level window in Figure 4 being accessed by a user).

Heuer also discloses rendering said preloaded metadata during airing of said broadcast stream in response to said user input (see second level window in Figure 4 for a video display for viewing a broadcast).

Referring to claim 7, see rejection of claim 1, and note that the audio, video and metadata content are what comprise the omnimedia package according to the specification.

Referring to claim 8, Heuer discloses a receiver that receives an omnimedia package (see Workstation, PC on page 7, Figure 1) and that is capable of checking said various stream types to determine which streams of said various stream types may be

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used by said receiver (see "editing and transmitting the user's preferences and device description to the M<sup>3</sup>-Box" in Figure 2 on page 9, which determines what media can and cannot be displayed) and that renders selected streams of said various streams (see "Requirements of the output devices" section on page 8, for rendering the media), said receiver further coupled to at least one user input device that provides interactivity between said viewer and receiver (note that in Figure 1, the PC has a keyboard for accepting user input).

Referring to claim 9, Heuer discloses synchronizing a metadata stream type with an event (see metadata information on page 13, that exists in an XSL file, with links to a vide presentation and audio information). This information is sent to the user as a user account information menu (media package), therefore, all data sent is inherently synchronized.

Referring to claim 10, see rejection of claim 6.

Referring to claim 11, also see rejection of claim 6.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heuer et al. (Proc. Second Int'l Symposium on Mobile Multimedia Systems & Applications, Delft, November 9-10, 2000, pp. 6-13).



Referring to claim 2, Heuer discloses creating a frame definition record for each element of said audio, video and metadata content (see example XSL file on page 12). Heuer fails to disclose that framework definition record includes price information. The examiner takes Official Notice that it would have been obvious to include an advertisement into the broadcast stream, which would include pricing information (for a pay-per-view movie for example) for the purpose of allowing a user to purchase goods and services online.


***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

July 28, 2003

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600